

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
By: SHARON E. FRASE (SF-4906)  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Tel. (212) 637-2329

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

Plaintiff,

- v. -

: NOTICE OF MOTION FOR  
: DEFAULT JUDGMENT  
\$16,793 IN UNITED STATES CURRENCY, : 08 Civ. 881 (LTS)

Defendant-in rem.

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PLEASE TAKE NOTICE that upon the accompanying Declaration of Sharon Frase, Assistant United States Attorney, dated May 20, 2008, and the accompanying Clerk's Certification, plaintiff United States of America by and through its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, hereby moves before the Honorable Laura Taylor Swain, United States District Judge, for an Order of Default Judgment, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.

Dated: New York, New York  
May 20, 2008

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
United States of America

By:



SHARON FRASE  
Assistant United States Attorney  
One St. Andrews Plaza  
New York, New York 10007  
(212) 637-2329

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v. -

\$16,793 IN UNITED STATES CURRENCY,

Defendant-in-rem.

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**NOTICE OF MOTION FOR DEFAULT JUDGMENT**  
**08 Civ.881 (LTS)**

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MICHAEL J. GARCIA  
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Southern District of New York  
Attorney for the United States of America  
One St. Andrew's Plaza  
New York, New York 10007

SHARON FRASE  
Assistant United States Attorney  
-Of Counsel-

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v. -

:

DEFAULT JUDGMENT  
08 Civ. 881 (LTS)

\$16,793 IN UNITED STATES CURRENCY, :

Defendant-in-rem. :

-----X

WHEREAS, on January 24, 2008, the United States commenced a civil action for the forfeiture of the above-referenced defendant-in-rem by filing a Verified Complaint;

WHEREAS, on January 28, 2008 a notice letter of the Verified Complaint was sent by certified mail, return receipt requested, to Barry A. Weinstein, Esq., Goldstein & Weinstein, as attorney for claimant Juan Navarro, 888 Grand Concourse, Bronx, New York, 10451, notifying him that his client may have an interest in this action, and of their right to file a claim and answer and contest the forfeiture;

WHEREAS, the foregoing is the only person known by the Government to have a potential interest in the defendant-in-rem;

WHEREAS, notice of the Verified Complaint and in rem warrant against the defendant-in-rem was published in the New York

Post once in each of the three successive weeks beginning on February 27, 2008, and proof of such publication was filed with the Clerk of this Court on April 29, 2008;

WHEREAS, no claims or answers were filed or made in this action, and no parties have appeared to contest the action to date, and the requisite time periods have expired;

NOW THEREFORE, on the motion of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for the plaintiff United States of America, Sharon Frase of counsel;

IT IS HEREBY ORDERED that:

1. Plaintiff United States of America shall have judgment by default against the defendant-in-rem.

2. The defendant-in-rem be, and the same hereby is, forfeited to the plaintiff United States of America.

3. The Department of Treasury shall dispose of the defendant-in-rem, according to law.

Dated: New York, New York  
May , 2008

SO ORDERED:

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HONORABLE LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v. -

\$16,793 IN UNITED STATES CURRENCY,

Defendant-in-rem.

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**DEFAULT JUDGMENT**  
**08 Civ.881 (LTS)**

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MICHAEL J. GARCIA  
United States Attorney for the  
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Attorney for the United States of America  
One St. Andrew's Plaza  
New York, New York 10007

SHARON FRASE  
Assistant United States Attorney  
-Of Counsel-

AFFIDAVIT OF SERVICE

I, Tony Dulgerian, affirm under penalty of perjury pursuant to 28 U.S.C. § 1746, the following:

I am employed with FSA in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York.

On May 20, 2008, a copy of the Notice of Motion for Default Judgment, the Clerk's Certification, the Government's proposed Default Judgment and the Government's Declaration in Support of Default Judgment were sent, by certified mail, return receipt requested to:

Barry A. Weinstein, Esq.  
Attorney for Claimant Juan Navarro  
Goldstein & Weinstein  
888 Grand Concourse  
Bronx, New York 10451

Executed on: May 20, 2008  
New York, New York

  
TONY DULGERIAN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v. -

\$16,793 IN UNITED STATES CURRENCY,

Defendant-in-rem.

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**AFFIDAVIT OF SERVICE**  
**08 Civ.881 (LTS)**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA, :  
  
Plaintiff, :  
  
- v. - : CLERK'S CERTIFICATION  
08 Civ. 881 (LTS)  
\$16,793 IN UNITED STATES CURRENCY, :  
  
Defendant-in-rem. :  
-----x

I, Michael McMahon, Clerk of the United States District Court for the Southern District of New York, hereby certify that the docket entries in the above-captioned case indicate that the Verified Complaint herein was filed on January 24, 2008, and that proof of publication was filed in the Clerk's office on April 29, 2008. I further certify that the docket entries indicate that no party has filed a claim or answer to the Verified Complaint, and that the time to file a claim with respect to said Complaint has expired. The default of all persons is hereby noted.

Dated: New York, New York  
May 20, 2008



J. Michael McMahon  
CLERK OF THE COURT



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v. -

\$16,793 IN UNITED STATES CURRENCY,

Defendant-in-rem.

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**CLERK'S CERTIFICATION**  
**08 Civ.881 (LTS)**

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